



Cardinal Langley RC High School

Care and Control: Policy on the Use of Reasonable Force and Physical Restraint

Policy Type:	School Policy (not statutory)
Policy Implementation/Approval	Governors' Curriculum & Pupils' Issues Committee
Policy review delegated to:	Pastoral Deputy Headteacher – Mrs A Williams Sponsor Governor – Mrs K Warburton
Review Frequency:	Every 3 years
Last Reviewed/Approved:	Spring 2017, 2020, 2023
Date of Next Scheduled Review:	Spring 2026

1. Rationale

At Cardinal Langley it is an aspect of our mission to have high expectations and excellence in all that we do, including student behaviour. We also recognise our responsibility and duty to care for and support one another as adults and students. In general, it is important that adults working in school avoid physical contact with students but it is neither desirable nor possible to have a total 'no contact' policy as there are a variety of situations where this would not be responsible (e.g. providing first aid, demonstrating use of a musical instrument, demonstrating sports techniques, keeping children safe, etc.).

One such occasion where contact may be necessary is where there is a need for appropriate physical restraint or the use of reasonable force, both of which are permitted in law (DFE Use of Reasonable Force Non Statutory Guidance 2013) <https://www.gov.uk/government/publications/use-of-reasonable-force-in-schools> to prevent students from hurting themselves or others, from damaging property in such a way that it could cause serious injury to themselves or others or from causing disorder. It is recognised that in practice the use of reasonable force will be a rare event. This policy should be seen in conjunction with the right to search students.

Statutory Framework

Members of staff in schools have the power to restrain pupils and, in certain specific instances, to use reasonable force. This provision does not, however, authorise any actions that constitute corporal punishment, which is outlawed in all maintained and independent schools.

References: The Education Act 1997 (Section 4); the Education Act 1996 (Section 550A and 548); the School Standard and Framework Act 1998; [DfE Behaviour in Schools: Advice for Headteachers and School Staff \(September 2022\)](#); [DfE Use of Reasonable Force in Schools \(2013\)](#).

Duty of Care

The governing board has a duty of care towards staff and pupils with regards to their health, safety and wellbeing. There is a need for staff to take into account all of the circumstances which may be influencing a child's behaviour. All school staff who have 'care of' a child must seek to protect that child from harm to the same extent that a parent or carer would; taking any reasonable action to prevent injury or serious damage to property.

References: The Health and Safety at Work, etc. Act 1974; The Children Act 1989 (Annex A, Section 8 (para 3b) & Section 3(5)).

Statutory Power

All members of school staff, including teachers and any other staff members the Headteacher has authorised, have the statutory power to use reasonable force. The Headteacher can also authorise, for a limited time, volunteers* at the school - although this should be in exceptional circumstances only and such individuals should be given clear instruction on the Law and the school's policy and practice of when the power can be used.

*It is the policy of Cardinal Langley RC High School to carry out a DBS and barred list check on all volunteers engaged in regulated activity, or provide supervision by school staff at all times if the activity is not regulated, in accordance with DfE statutory guidance on Keeping Children Safe in Education: <https://www.gov.uk/government/publications/keeping-children-safe-in-education--2>

It is the responsibility of the Headteacher, or delegated senior member of staff, to ensure the following:

- That the school's policy on the use of reasonable force is made known to staff as part of an induction process
- That authorised staff know that they are authorised and have the power to use reasonable force, in accordance with the guidelines below.
- That all authorised staff receive training in the use of reasonable force and restraint and that this is quality-assured on a regular basis.

The Headteacher is expected to take all reasonable steps to ensure that staff members have access to training and guidance in relation to the school's behaviour and discipline policy and procedures (specialist settings will require more specialised training).

2. Purpose

The purpose of this policy is to:

- i) Explain the rights of staff to use reasonable force when necessary
- ii) Explain the nature of reasonable force
- iii) Set out the circumstances in which reasonable force may be justified
- iv) Explain the reporting and recording procedure
- v) Set out the complaints process

3. Guidelines

i. The rights of staff and students

All members of staff have a legal power to use reasonable force within the limitations of this policy and there may be occasions when failure to do so could breach the duty of care towards students, who have a right to protection from violence, abuse and neglect (Article 19 of the UN Convention on the Rights of the Child). The school will support staff where a member of staff uses reasonable force within the context of this policy.

ii. What is reasonable force?

Force can be used to either control or restrain. Control means either passive physical contact such as standing between pupils or blocking a student's path or active physical contact such as leading a pupil by the arm out of a classroom. Restraint means to hold back physically or to bring a pupil under control and is typically used in more extreme circumstances. Regarding both control and restraint, 'reasonable force' means using no more force than is needed. Staff should always try to avoid acting in a way that might cause injury but it may not always be possible to avoid injury to a student.

iii. When can reasonable force be used?

a) Reasonable force can be used to prevent pupils from hurting themselves or others, from damaging property in such a way that it could cause serious injury to themselves or others or from causing disorder. The decision on whether or not to use reasonable force is down to the professional judgement of the staff member concerned and should always depend on the individual circumstances. There is no need for parental consent prior to using reasonable force; however, it is best practice to engage with parents/carers as soon as possible following a situation. In using reasonable force, reasonable adjustments need to be made for students with disabilities, with an Education Health and Care Plan (EHCP) or with a care and support plan implemented in the case of any regular intervention.

A range of approaches should be used to try to prevent or de-escalate behaviours before reasonable force becomes necessary. References: Guidance for Safe Working Practice (September 2022), Section 22 'Behaviour Management'; the school's Behaviour for Learning Policy.

It is not possible to provide a comprehensive list of all the situations in which it might be appropriate to use reasonable force and they will in practice be rare but some examples of where reasonable force may be necessary to use are to:

- Remove students from an unsafe situation where they have refused to follow an instruction to do so
- Prevent a student behaving in a way that seriously disrupts a school event
- Prevent a student leaving a classroom where allowing them to leave would seriously risk their safety or lead to behaviour that disrupts the behaviour of others
- Prevent behaviour where a child or adult may be harmed
- Restrain a student at risk of harming themselves or others through physical outbursts
- Physically separate students found fighting

Wherever possible, assistance should be sought so as to avoid one-to-one situations. Any other students at risk should be removed from the situation.

b) **It is always unlawful to use force as a punishment and there are certain restraint techniques which present an unacceptable risk when used on young people. It is not therefore acceptable to:**

- Use the 'seated double embrace' which would involve two members of staff forcing a person into a sitting position and leaning them forward while a third monitors breathing
- Use the 'double basket hold' which involves holding a student's arm across their chest
- Hold a pupil around the neck, or by the collar, or in any way that might restrict the pupil's ability to breathe
- Slapping, punching or kicking a pupil
- Twisting or forcing limbs against a joint
- Tripping a pupil
- Holding or pulling a pupil by the hair or ear
- Holding a pupil on the ground, except in extreme circumstances by specially-trained and authorised staff only

c) Lawful methods of reasonable force can take several forms; it might involve staff:

- Physically interposing between pupils
- Blocking a pupil's path
- Holding

- Pushing
- Pulling
- Leading a pupil by the hand or arm
- Shepherding a pupil away by placing a hand in the centre of the back; or, in extreme circumstances, using more restrictive holds.

d) The use of reasonable force to search pupils without consent is explained in the school search policy

e) Except in an emergency, only specially-trained (Team Teach) and authorised staff should use restraint techniques on identified vulnerable students with behavioural difficulties. These are identified by the SEND department and reviewed annually.

4. Follow-Up with Staff

It is best practice following a crisis that the members of staff involved in holding a pupil are given appropriate support, reassurance and guidance - as well as time to sort themselves out both physically and emotionally - reflecting on the incident in a non-blaming, supportive and caring manner.

If the incident is significant, the immediate priority after ensuring support for everyone involved should be to report the incident to the relevant parties. It would be beneficial to discuss the incident with LADO (Local Authority Designated Officer) to ensure that the recording and reporting procedures are followed correctly.

Email: lado@rochdale.gov.uk

5. Reporting and Recording

Governing bodies must ensure that a procedure for recording incidents is in place and that it is followed by staff. A record should be made as soon as practicable after the incident when all parties involved are emotionally ready to do so. Reference: Care and Control Guidance for Schools.

In this school, the reporting and recording process is as follows:

Any incident involving the use of physical force with students **MUST** be reported to the Deputy Headteacher responsible for pastoral care as soon as practically possible (or to another senior member of staff in the deputy's absence)

Any incident involving the use of physical force must be written up in full and recorded on CPOMS.

The Deputy Headteacher will decide on how best to report the incident to parents/carers.

Accounts of the incident should be taken from all parties involved as far as possible, including pupils.

Accounts should be a description of the behaviour and action taken; there should be no emotive or judgemental language.

Staff should be encouraged to seek advice from a senior colleague or Professional Association representative when compiling a report.

If anyone is injured as part of physical intervention, first-aid and accident/incident reporting procedures will apply and an incident form will need to be completed. Forms are available from the Site Manager and/or the First Aid room.

RIDDOR (Reporting of injuries, Diseases and Dangerous Occurrences Regulations) and the local authority Violence and Aggression Policy and procedure may also apply.

A log of incidents should be kept in a secure, online folder. Incidents should be given a unique reference number, which should be quoted on all related papers/accounts/reports, cross-referenced in the incident log.

The incident log should be kept in a secure location, managed by the Headteacher or delegated member of the Senior Leadership Team and reviewed by SLT as part of the termly behaviour review.

All reports of physical intervention must be brought to the attention of the Headteacher.

The Headteacher will keep the Governing Board informed of any incidents of physical intervention, and of methods of quality assurance of the use of physical intervention, through the Pupil Disciplinary Committee and/or the termly report to Governors, as applicable.

If a specific risk is identified with any particular child, a planned response will be put in place, details of which will be set out in a Behaviour Plan and shared with the parents/carers of the child in question. The plan will be revisited following any incident to assess its usefulness and to amend as necessary. Restorative sessions between teacher and child will be facilitated by key staff as part of this process.

Involvement of Parents/Carers

There is no requirement for parental consent to use reasonable force on a pupil.

Parents/carers will not be given copies of incident reports as a matter of routine. The school will, however, inform parents/carers of any serious incidents involving the use of reasonable force and the following will be considered:

- The pupil's behaviour and level of risk presented at the time of the incident
- The degree of force used
- The effect on the pupil or member of staff
- The child's age

Should a situation arise in which restraint and/or reasonable force is necessary, appropriate pastoral care will be made available to any student involved/affected.

6. Complaints

The school's Complaints Policy and Procedure can be found on the following page of the school website: <https://www.clrchs.co.uk/school-information/policies/> or parents/carers can request a copy by telephoning the school on 0161 643 4009 or emailing admin@clrchs.co.uk

If an allegation of using excessive force is made against a member of staff, the school will refer to the RMBC document: Managing Allegations against Professionals Policy (January 2022)

If appropriate, the school will seek advice from LADO and initiate the allegations management process.

All complaints about the use of force will be investigated thoroughly, speedily and appropriately by a person appointed by the Headteacher.

The school will consider carefully whether the circumstances of the case warrant a person being suspended until the allegation is resolved or whether alternative arrangements are more appropriate. Suspension will not be an automatic response to an allegation of excessive force.

Where a member of staff has acted within the law - that is, they have used reasonable force in order to prevent injury, damage to property or disorder - this will provide a defence to any criminal prosecution or other civil or public law action.



It is not for the member of staff to show that s/he has acted reasonably.

The school will ensure that appropriate pastoral care is made available to any member of staff who is subject to a formal allegation following a use of force incident.

If a decision is made to suspend a member of staff, the school will ensure that the staff member has access to a named contact who can provide support.

The Governing Board will consider whether a member of staff has acted within the law when reaching a decision on whether or not disciplinary action should be taken.

Policy Approval:

Chair/Vice-Chair of C&P Committee		Date:	13.06.2023
Headteacher:		Date:	13.06.2023